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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

In the Matter of)

Harvest Meat Company, Inc.)
1301 Argentine Boulevard)
Kansas City, Kansas 66105)
Respondent.)

807
) Docket Nos. EPCRA-7-2002-0085
) CERCLA-07-2002-0085

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on March 1, 2002, pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11045, when the United States Environmental Protection Agency (Complainant or EPA) issued to Harvest Meat Company, Inc. Kansas City, Kansas, (Respondent) a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondent with violations of EPCRA Section 304, 42 U.S.C. § 11004, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 355; Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 370; and Section 103 of CERCLA, 42 U.S.C. § 9603, and the regulations promulgated pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, and codified at 40 C.F.R. Part 302.

The Complaint proposed a civil penalty of Seventy-Five Thousand Six Hundred Twenty-Five Dollars (\$75,625) for these violations. The parties entered into negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order are the result of such negotiations.

CONSENT AGREEMENT

1. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the factual allegations of the Complaint.
2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.
3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
4. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, its Kansas City, Kansas facility is presently in compliance with all requirements of EPCRA, 42 U.S.C. § 11001, and all regulations promulgated thereunder; and all requirements of CERCLA, 42 U.S.C. § 9601, and all regulations promulgated thereunder.
5. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest thereon at the applicable statutory rate.
6. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as set forth below.

FINAL ORDER

Pursuant to the provisions of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11001, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of Thirty Thousand Dollars (\$30,000) within thirty (30) days of entry of this Final Order. Payment shall be by two cashier's or certified checks. The first check shall be in the amount of Twenty Thousand Dollars (\$20,000) made payable to the "United States Treasury" and remitted to:

EPA-Region VII
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251;

and the second check shall be in the amount of Ten Thousand Dollars (\$10,000) made payable to "EPA Hazardous Substance Superfund" and remitted to:

EPA - Region 7
Attn: Superfund Accounting
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.

2. A copy of each check should be forwarded to:

Julie M. Van Horn
Office of Regional Counsel
United States Environmental Protection Agency
901 North Fifth Street
Kansas City, Kansas 66101.

3. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.


In the Matter of:
Harvest Meat Company, Inc.
Docket Nos. CERCLA-07-2002-0085
& EPCRA-07-2002-0085

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By 
Julie M. Van Horn
Senior Assistant Regional Counsel

Date 26 June 2002


RESPONDENT:
HARVEST MEAT COMPANY, INC.
KANSAS CITY, KANSAS

By 

Title Operations Manager

Date 6/25/02

IT IS SO ORDERED. This Final Order shall become effective
immediately.


~~Robert L. Patrick~~ Karina Borroneo
Regional Judicial Officer

Date July 1, 2002

IN THE MATTER OF Harvest Meat Company, Inc., Respondent
Docket Nos. CERCLA-07-2002-0085; EPCRA-07-2002-0085

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Julie Van Horn
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Phillip C. Rouse
James T. Van Biber, III
10401 Holmes Road, Suite 220
Kansas City, Missouri 64131

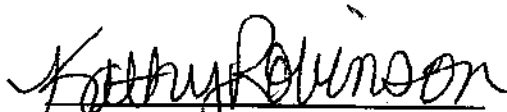
and

Copy by First Class Pouch Mail to:

Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Honorable Thomas W. Hoya
Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 7/1/02


Kathy Robinson
Regional Hearing Clerk